

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

STEVEN C. SMITH,

Plaintiff,

v.

No.: 1:15-cv-361 CG-WPL

OFFICER ERNEST A. APODACA, in his official  
and individual capacity, et al.,

Defendants.

**ORDER GRANTING EXTENSION OF TIME TO EFFECT SERVICE**

**THIS MATTER** is before the Court on Plaintiff's *Response to the Court's Order to Show Cause*, (Doc. 5), filed October 13, 2015. In the *Order to Show Cause*, the Court noted that Plaintiff had not served any of the Defendants within the 120 day time frame for effecting service under FED. R. CIV. P. 4(m). (Doc. 4 at 1). The Court therefore ordered Plaintiff to serve process on or before October 13, 2015 or show cause why he had failed to do so. (Doc. 4). Plaintiff responded to the Order on October 13, 2015, and explained that he had obtained the full names of two Defendants but had encountered difficulties in attempting to obtain full names for the remaining Defendants. (Doc. 5 at 1-2). Plaintiff's Response requests more time so that he may obtain a lawyer and effect service. (Doc. 5 at 2).

Under FED. R. CIV. P. 4(m), "if the plaintiff shows good cause for the failure [to effect service], the court must extend the time for service for an appropriate period." The Court finds that Plaintiff has demonstrated sufficient cause to warrant an extension. As such, the Court will grant Plaintiff a thirty (30) day extension to effect service. Failure

to effect service on a Defendant within this time frame will result in the likely dismissal of that Defendant.

**IT IS THEREFORE ORDERED** that Plaintiff is directed to serve process on Defendants on or before **November 19, 2015**. Failure to comply with this Court's order will result in the recommendation that the claims against each unserved Defendant be dismissed without prejudice.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

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THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE